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FACSIMILE COVER SHEET

Date: September 12, 2003

To: Examiner Joseph Waks - Group 2800
United States Patent and Trademark Office

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Case No: 8864/8

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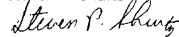
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COVER MESSAGE:

Enclosed for filing in Serial No. 09/470,428 is a corrected Terminal Disclaimer. This Terminal Disclaimer is a substitute for the Terminal Disclaimer mailed on August 4, 2003, in that it corrects the Patent Number of the commonly owned patent from 6,347,464 to 6,437,464. This correction is required because this same error occurred in the final rejection, paragraph 7. The filing fee submitted with the earlier mailed disclaimer should be applied to this disclaimer, and the earlier mailed disclaimer should be disregarded. I understand that with this correction, the amendment mailed August 4, 2003 puts the case in condition for allowance.

Steven P. Shurtz



Reg. No. 31,424

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CORRECTED TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT		Based on PTO/SB 2(10-00) Docket Number (Optional) 88648
In re Application of:	Griffith D. Neal	
Application No.	09/470,428	
Filed	December 22, 1999	
For	HIGH SPEED SPINDLE MOTOR FOR DISK DRIVE	

The owner*, Encap Motor Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,437,464. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1 ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.) the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2 ☒ The undersigned is an attorney of record.

9/12/03
Date

Steven P. Shurtz
Signature

Steven P. Shurtz, Reg. No. 31,424
Typed or Printed Name

Terminal disclaimer fee under 37 CFR 1.20(d) was paid previously.

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* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
1. On PTO/SB 206 may be used for making this certification. See MPEP § 324.

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